

Appl. No. : 09/881,256
Filed : June 14, 2001

REMARKS

Discussion of Claim Amendments

Applicant amends Claim 1 to include grammatical changes. Additionally, the value of N is amended to include 20. Support for the amendment can be found in the specification at Table 3 No. 5-2.

Description of Rejections Under 35 USC §102(b)

The Examiner rejects Claims 1 and 14 under 35 USC §102(b) as allegedly anticipated by Kikuchi et al. (JP 11-329083). The Examiner contends that Kikuchi teaches each claim limitation.

Applicant respectfully traverses the rejection. The Examiner points to various broad ranges disclosed in the JP '083 abstract and the body of the corresponding U.S. publication (2001/0017219) that each partially overlap claimed ranges. However, Kikuchi fails to describe the claimed subject matter with sufficient specificity to constitute anticipation. As stated in MPEP paragraph 2131.03:

If the claims are directed to a narrow range, the reference teaches a broad range, and there is evidence of unexpected results within the claimed narrow range, depending on the other facts of the case, it may be reasonable to conclude the narrow range is not disclosed with 'sufficient specificity' to constitute an anticipation of the claims. The unexpected results may also render the claims unobvious.

Kikuchi is directed to lowering a wind pressure load in a lower wind speed area by cable with a small diameter. JP '083 Abstract. U.S. publication No. 2001/0017219 (US '219) to Kikuchi, which the Examiner states is the corresponding U.S. counterpart to JP '083, provides a number of examples of cables. Some of the examples include certain individual values of d, N, H/d, or H/R that fall within the claimed ranges. However, Kikuchi fails to provide any examples in which the combination of the values of d, N, H/d, and H/R fall within the claimed ranges.

For example, US '219, in paragraphs [0059] through [0081], discloses numerous cable examples. However, none of the examples discloses a cable having values within all claimed ranges. In the cable examples of paragraphs [0059] through [0062], the cables have a diameter d within the claimed range but only two of the examples (paragraphs [0061] and [0062]) have N values within the claimed range. Furthermore, of those two examples having d and N values

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within the claimed ranges, the values of H/d and H/R fall widely outside of the claimed ranges. Similarly, none of the cable examples of paragraphs [0063] through [0081] disclose both d and N within the claimed ranges.

Kikuchi, in US '219, also provides four tables summarizing characteristics of various cables. In the four tables, US '219 fails to disclose any cables having d and N values within the claimed ranges. The closest examples in Tables 1-3 include d = 36.6 and N = 20. However, the H/d and H/R values for these cables fall widely outside of the claimed range.

In contrast, Applicant's specification identifies the invention as relating to "an overhead cable with little wind load under *conditions where both strong wind and rainfall are simultaneously present such as during a typhoon.*" Specification at page 1 ll. 6-11 (*emphasis added*). JP '083 and corresponding US '219 fail to disclose any cable condition where rain is present. Instead, JP '083 and US '219 are only concerned with wind. As such, JP '083 and US '219 cannot be interpreted to disclose the claimed subject matter with "sufficient specificity to constitute an anticipation under the statute."

In particular, JP '083 and US '219 disclose a range of H/d of 0.0045-0.0357 whereas the claimed range is only 0.00656-0.00761. The claimed H/d range represents only 3% of the range disclosed in the Abstract of JP '083. Similarly, the claimed H/R range represents only 0.5% of the total range disclosed in the Abstract of JP '083. A general recitation of broad cable characteristics in a reference cannot be said to anticipate a claimed cable having a combination of two narrowly defined characteristics, neither of which is represented by example in the reference.

Thus, Applicant respectfully requests reconsideration and allowance of Claim 1 because the cited reference fails to disclose the claim with sufficient specificity to constitute an anticipation under the statute. Applicant respectfully requests reconsideration and allowance of Claim 14, at least for the reason that it depends from an allowable base claim.

Discussion of Provisional Double Patenting Rejection

The Examiner provisionally rejects Claims 1 and 14 under the judicially created doctrine of obviousness-type double patenting over Claim 6 of US Application No. 09/727,070. As of December 4, 2003, the USPTO PAIR system shows the '070 application as pending. Thus, Applicant respectfully requests allowance of the claims of the present application. Applicant will

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decide whether to file a Terminal Disclaimer in the '070 application should an obviousness-type double patenting rejection remain in the '070 application.

CONCLUSION

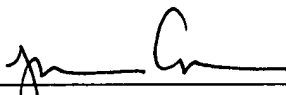
Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes pursuant to 35 U.S.C. § 102, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. In light of these amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. Applicant submits that the claim limitations discussed above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art.

If there are any impediments to allowance of the claims that can be resolved with a telephone call, the Examiner is respectfully invited to call the undersigned. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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